

Remarks/ARGUMENTS

In response to the above-identified Office Action, Applicant has amended the application and respectfully request reconsideration thereof.

Claims

Claims 1, 14, 20, 28 and 29 clarify that the first category path includes categories that are distinct from the second category path. The phrase "the first category path including a first plurality of categories and the second category path including a second plurality of categories, and each category in the first plurality of categories is distinct from each category in the second plurality of categories" is included in claims 1, 14, 20, 28 and 29 to clarify this aspect. Support for this text can be found throughout the description and in the drawings at Figure 5 and Figure 7 (compare box 112 with box 114).

Response to Claim Rejections – 35 USC § 103

Claims 1-12, 14-18, 20-23, and 26-29 stand rejected under 35 U.S.C. § 103(a), as being allegedly unpatentable over U.S. Patent No. 6,489,968 (hereinafter Ortega) in view of U.S. Patent No. 6,286,002 (hereinafter Axaopoulos). Reasons for rejection of claims 1-12, 14-18, 20-23, and 26-29 appear below.

Applicant respectfully submits that claims 1-12, 14-18, 20-23, and 26-29 should not be rejected under 35 U.S.C. § 103 for the reason that the prior art references when combined do not teach or suggest all of the claim limitations of the independent claims of the present application.

To establish a **prima facie** case of **obviousness**, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

Claim 1 includes the following limitations:

....the first the first category path including a first plurality of categories and the second category path including a second plurality of categories, and each category in the first plurality of categories is distinct from each category in the second plurality of categories.

The Office Action contends that the above limitation is anticipated by the following figure and disclosure in Axaopoulos:

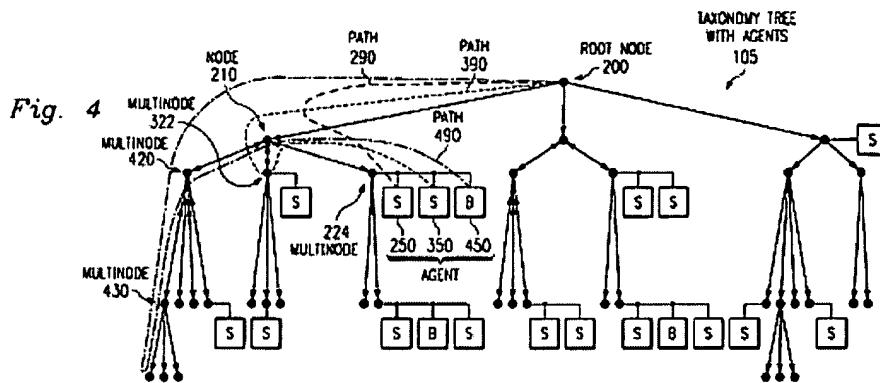


Fig.

...Thus, the path 390, associated with the sell agent 350, includes the root node 200, the node 210, the multinode 322, and the multinode 224.

Axaopoulos, Col. 11, lines 16-18.

...FIG. 4 illustrates a user placing a third agent 450 in the taxonomy tree with agents 105. In this case, the user traverses the path 490. The path 490 goes through the root node 200, the node 210, a multinode 420, a multinode 430, and a multinode 224.

At the end of the path 490, the user places the agent 450 as a buy agent. The buy agent 450 is looking for some product that is associated with the keywords in the path 490. It is important to note that if the agent 450 had been placed at multinode 430, but the user had followed the path through root node 200, root node 210, multinode 224, multinode 420, and multinode 430, the same set of keywords would be associated with the agent 450. Thus, the user would have defined the same set of information of interest by following a different path. That the same needs can be described using multiple paths illustrates the flexibility of the taxonomy tree with agents 105.

Axaopoulos, Col. 11, lines 27-43.

The above quotes from Axaopoulos describe a user that traverses a taxonomy tree before placing¹ an agent in the taxonomy tree. The taxonomy tree includes nodes. Some of the nodes are associated with keywords. The user traverses the nodes in the taxonomy tree to identify keywords that describe a product. Placement of the buy agent at a node results in the buy agent looking for the product that is associated with the keywords in the path. The above quotes further indicate that the buy agent may be placed at multinode 224 by traversing path 390 (e.g., root node 200, node 210, multinode 322, and multinode 224) and by traversing path 490 (e.g., root node 200, node 210, multinode 420, multinode 430, and multinode 224). Root node 200, node 210 and multinode 224 are included in path 390 and in path 490.

Claim 1 requires a first category path that includes a first plurality of categories and a second category path that includes a second plurality of categories, and that each category in the first plurality of categories is distinct from each category in the second plurality of categories. For example, a 2003 Blue convertible Taurus Car may be located by following an exemplary first category path "Passenger (Id = 50), Ford (Id = 2000,

¹ The taxonomy tree with agents 105 is a searchable tree from which users can locate and place agents that represent the need for or availability of products. The tree includes a number of nodes through which users can refine their definition of their needs. The agents represent programs and/or data structures that, among other features, allow the market place program 104 to maintain a history of a consumer's needs beyond the time in which the user is connected to the market place program 104. Axaopoulos Col. 6, lines 8-16.

Taurus (Id = 8000)" and an exemplary second category path "Cars (Id = 51), Ford (Id = 2001), Taurus (Id = 8001)" (see Figure 5). In this example, each category in the exemplary first category path (50, 2000, 8000) is unique from each category in the exemplary second category path (51, 2001, 8001). In contrast, the above quotes from Axaopoulos do not disclose each category in the first plurality of categories as distinct from each category in the second plurality of categories; but rather, a path 390 and a path 490 that include the same nodes (e.g., root node 200, node 210 and multinode 224). Clearly, two paths that include some of the same nodes cannot be said to include nodes that are distinct from each other. Axaopoulos therefore cannot be said to anticipate the above quoted limitation because Axaopoulos discloses two paths that include some of the same nodes and claim 1 requires a first category path that includes a first plurality of categories and a second category path that includes a second plurality of categories, each category in the first plurality of categories is distinct from each category in the second plurality of categories.

Independent claims 14, 20, 28 and 29 each include a limitation corresponding substantially to the above-discussed limitation of claim 1. The above remarks are accordingly also applicable to a consideration of these independent claims.

In addition, if an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 2-12, 15-18, 21-23 and 26-27 under 35 U.S.C. § 103 is also addressed by the above remarks.

Claims 24-25 stand rejected under § 103(a) as allegedly being unpatentable by Ortega in view of Axaopoulos and in further view of U.S. patent no. 6,381,607 (hereinafter Wu).

Applicant respectfully submits that claims 24-25 should not be rejected under 35 U.S.C. § 103 because if an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 24-25 under 35 U.S.C. § 103 is also addressed by the above remarks.

In summary, Ortega in combination with Axaopoulos does not teach or suggest each and every limitation of claims 24-25 as required to support rejections of the independent claims of the present application under 35 U.S.C. § 103.

In summary, Applicant believes that all rejections presented in the Office Action have been fully addressed and withdrawal of these rejections is respectfully requested. Applicant furthermore believes that all claims are now in a condition for allowance, which is earnestly solicited.

If there are any additional charges, please charge Deposit Account No. 02-2666.

If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact Mark Vatuone at (408) 947-8200.

Respectfully submitted,

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